

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-210080

DATE: January 6, 1983

MATTER OF: Gulf Systems Inc.

## DIGEST:

1. Whether contractor is performing in accordance with the contract terms is a matter of contract administration for resolution by the contracting agency, not GAO.
2. Protest initially filed with contracting agency must be filed with GAO within 10 working days from notification of the contracting agency's initial adverse action on the protest.

Gulf Systems Inc. protests that Pace Computer Systems (PCS), which was awarded a contract by the General Services Administration (GSA) under request for proposals (RFP) No. CPDPXW-81-00065-M-W7, is not performing in accordance with the contract requirements. Correspondence between Gulf Systems and GSA attached to the protest also questions the propriety of the award to PCS. It appears that the contract was awarded to PCS in September 1981.

The question of whether a contractor is performing in accordance with the contract terms is a matter of contract administration for resolution by the contracting agency and will not be considered by our Office. Dyna-Cote Ind., Inc., B-208543, September 8, 1982, 82-2 CPD 211.

To the extent that Gulf Systems is protesting that PCS should not have been awarded the contract, the protest is untimely and will not be considered by our Office. Our Bid Protest Procedures require that where a protest has been initially filed with the contracting agency, any subsequent protest to our Office must be filed (received) within 10 working days after the protester receives notice of the agency's initial adverse action on the protest. 4 C.F.R. § 21.2(a) (1982). Gulf Systems protested the propriety of the award in letters dated September 24 and September 30, 1981. GSA's initial adverse action on the protest was contained in an October 6, 1981, letter which demonstrated

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GSA's intent to support the award to PSC. Gulf Systems' protest to our Office should have been filed within 10 working days of the receipt of that letter. Gulf Systems did not protest to our Office until more than a year later.

Gulf Systems has requested a conference pursuant to 4 C.F.R. § 21.7 (1982). The request is denied because, in view of the above, a conference would serve no useful purpose.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel